

REMARKS

Status of the Claims

Claims pending in the above-identified application are Claims 7, 12, 14, and 15-18. Claims 1-6, 8-11, 13, 15, and 19-21 are cancelled without prejudice. The amendments to Claims 7, 12, and 14 do not introduce new matter into the above-identified application.

Claim Objections

As suggested in the above-referenced Office Action, Applicants have amended Claims 12 and 14 to end with a period. Additionally, formulas I and II respectively therein have been made more clear (focused). Content of these formulas has not been changed. Additionally, Claims 13 and 15 have been cancelled. Accordingly, applicants request that the objections to the claims be withdrawn.

The Rejection Under 35 U.S.C. § 112

Claims 7 and 11-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 11, 13, 15, and 19-21 are cancelled. Claims 12, 14, and 15-18 depend from Claim 7.

In view of the above amendment to Claim 7, Applicants respectfully assert that the rejection is obviated and request the rejection be withdrawn.

The Rejection Under 35 U.S.C. § 103

Claims 7 and 11-21 are rejected under 35 U.S.C. § 103 as being unpatentable over the combination of US Patent 5,588,254 to Adachi et al. (*Adachi*) and US Patent 5,438,124 to Matta et al. (*Matta*). Claims 11, 13, 15, and 19-21 are cancelled. Claims 12, 14, and 15-18 depend from Claim 7. In view of the amendment to Claim 7, Applicants request this rejection be withdrawn.

Adachi discusses a method for producing agricultural products by accelerating the growth of the plants by applying a sulphated oligosaccharide under the form of an aqueous solution. *Matta* shows that fucoidan is a sulphated polymer of L-fucose.

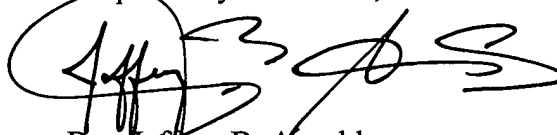
In sharp contrast, the claimed invention is directed to a method of treatment for

protection of a tobacco, wheat, or parsley plant against a virus of the tobacco mosaic or a phytopathogenic agent. The method comprises selecting a sulphated fuco-oligosaccharide having a polymerization degree from 4 to 100 α -L fucose units; forming an aqueous solution having a concentration of the sulphated fuco-oligosaccharide of at least 10 mg/l; and applying the solution to the plant to be treated to stimulate a direct elicitor effect of defense reactions in the treated plant. Neither *Adachi* nor *Matta*, alone or in combination, teach or suggest making use of the elicitor effect of a sulphated fuco-oligosaccharide to protect tobacco, wheat, or parsley plants against a virus of the tobacco mosaic or a phytopathogenic agent. Thus, *Adachi* and *Matta*, either alone or in combination, fail to teach or suggest each and every element of the claimed invention. Accordingly, Applicants respectfully assert that the rejection is obviated and request the rejection be withdrawn.

Conclusion

In view of the above amendment and remarks, Applicants respectfully assert that the rejections of the claims as set forth in the Office Action have been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and requests that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 745-2461 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffery B. Arnold", is written over a circular stamp. The signature is stylized and extends to the right.

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